

GENTLEMAN &amp; STRONG

APR 25 2005

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To: Commissioner for Patents for Examiner Bunjob Jaroenchonwanit- Group Art Unit 2143	Facsimile No.: 703/872-9306
From: Amelia Turner for Michele Morrow Legal Assistant to Francis Lammes	No. of Pages Including Cover Sheet: 12
Message:  Enclosed herewith: <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Reply Brief.</li></ul>	
Re: Application No. 09/407,738 Attorney Docket No: FR9-98-059	
Date: Monday, April 25, 2005	
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Foncarnier

Serial No.: 09/407,738

Filed: September 28, 1999

For: Method and System for  
Broadcasting Alarm Messages to  
Selected Users of an IP Network

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PATENT TRADEMARK OFFICE  
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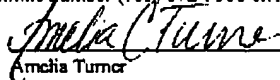
Group Art Unit: 2143

Examiner: Jaroenchonwanit, Bunjob

Attorney Docket No.: FR9-98-059

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By:

  
Amelia TurnerTRANSMITTAL DOCUMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

ENCLOSED HEREWITH:

- Reply Brief (37 C.F.R. 41.41).

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,



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APR 25 2005

Docket No. FR9-98-059

**PATENT**

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For: Method and System for  
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By:

  
Amelia Turner

**REPLY BRIEF (37 C.F.R. 41.41)**

This Reply Brief is submitted in response to the Examiner's Answer mailed on February 24, 2005.

No fees are believed to be required to file a Reply Brief. Any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF REPLY BRIEF.

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**STATUS OF CLAIMS**

The status of claims has been updated in view of the Examiner's withdraw of the rejection of claims 5, 12, and 19 and the new objection to claims 5, 12, and 19 made in the Examiner's Answer dated February 24, 2005.

**A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1-24

**B. STATUS OF ALL THE CLAIMS IN APPLICATION**

1. Claims canceled: NONE
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1-24
4. Claims allowed: NONE
5. Claims rejected: 1-4, 6-11, 13-18, and 20-24
6. Claims objected: 5, 12, and 19

**C. CLAIMS ON APPEAL**

The claims on appeal are: 1-4, 6-11, 13-18, and 20-24

### GROUPING OF CLAIMS

The Examiner's Answer dated February 24, 2005 states:

The rejection of claims 1-24 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons stated in support thereof. See 37 CFR 1.192 (c)(7).

Appellant respectfully traverses the Examiner's assertion that the claims stand or fall together as, on page 4 of Appellant's Brief, Appellant provides a grouping of claims, which is reproduced as follows:

The claims do not stand or fall together but instead stand or fall in accordance with the following grouping of claims, reasons for such groupings being provided in the following arguments:

- Group I: claims 1, 2, 7, 8, 9, 14, 15, 16 and 21
- Group II: claims 3, 10, and 17;
- Group III: claims 4, 11, and 18;
- Group IV: claims 5, 12, and 19;
- Group V; claims 6, 13 and 20; and
- Group VI: claims 22-24.

Appellants respectfully cancel Group IV, in view of the Examiner's withdraw of the rejection of claims 5, 12, and 19. Appellant notes that Appellant shall explain why the claims of the groups are believed to be separately patentable in the argument section of the Brief. See MPEP 1206.

**RESPONSE TO EXAMINER'S REMARKS****IV. 35 U.S.C. § 103, Alleged Obviousness of claims 1, 8, and 15, Group I**

The Final Office Action rejects claims 1, 8, and 15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Stupek, Jr. et al. (U.S. Patent No. 6,131,118). This rejection is respectfully traversed. Because this rejection is essentially the same as in the previous Office Action, this rejection is respectfully traversed for the reasons stated in the Supplemental Appeal Brief filed November 2, 2004, the remarks of which are hereby incorporated by reference. The following remarks are provided in rebuttal of the Examiner's statements in the Examiner's Answer beginning on page 12.

With regard to claims 1, 8, and 15, the Examiner's Answer directs the Board of Appeals to Stupek column 1, lines 63 to column 2, line 15, and column 5, lines 47 to column 6, line 15 as teaching an administrator associated with a server sending alarm messages to a list of users, selected from a plurality of users within a profile table. These sections are reproduced as follows:

A management server for a network that facilitates and performs programmable event driven processing according to the present invention includes event detection logic that receives and processes any of a plurality of event notifications transmitted via the network and that invokes at least one corresponding construction. Each event notification corresponds to the occurrence of one or more management automation events and supports registration of one or more listeners of each management event. The management server further includes one or more executable components that each perform a basic function and a construction editor that enables access of the plurality of executable components to facilitate generation of one or more constructions. The construction editor facilitates defining a relationship between the executable components, if more than one is included. Each construction, when invoked, executes its components to perform at least one desired management operation. The components are executed according to the defined relationships if more than one is included.

(Column 1, line 63 to column 2, line 15)

The management server 102 provides a management foundation, which includes discovery of manageable devices, performance of event management and determination of device status and device groups. The database 128 preferably includes events, discovered devices, device status, user preferences and user-

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specified data that is actively monitored. The management server 102 performs management services to discover managed elements 104 of the management network 100 and to track the device state of all of the managed elements 104. The management server 102 discovers devices on the network using IP pinging for IP devices, SAP broadcasts for Internetwork Packet Exchange (IPX) devices and is extendible to enable other discovery mechanisms. The management server 102 periodically collects and saves configuration information in the database 128 in a common form regardless of whether the information was originally web-based, SNMP or DMI. For example, the management server 102 stores events and traps, and enables configuration of filters that ultimately generate queries that are used to select records from the database 128.

The management server 102 also enables access of the database 128. The database 128 is preferably based on SQL Server by Microsoft.RTM. and is accessed via Java.TM. DataBase Connectivity (JDBC) or Object DataBase Connectivity (ODBC). SQL views are created to abstract the database 128 for reporting purposes.

The management server 102 enables the user to select a managed element 104 and view detailed information about that device. The management server 102 also enables a user to create device groups for business process views by filtering for selected devices and for selected events of those devices. The management server 102 handles events, such as SNMP traps and HTTP alerts, logs the events, and allows a user to set event filters.

(Column 5, line 47 to column 6, line 15)

In column 1, line 63 to column 2, line 15, Stupek describes a network management system that facilitates and performs programmable event driven processing including event detection logic that receives and processes any of a plurality of event notifications transmitted via the network. The network management server and the managed devices can be accessed remotely from a client system via an intranet or the Internet using a web browser. In column 5, line 63 to column 6, line 15, Stupek describes a client, if authorized, can access and view the management information regarding the managed devices. The client sends an HTTP request to a network management server or a managed device for a web page which is then passed back to the client system. Once the client logs onto the webpage, management information can be monitored from the client device and the client can perform administrative duties.

The Examiner's Answer asserts that these sections:

...disclose a network management system capable of transmitting alarm, event notification to a group of managed devices, which their profile are stored in database, e.g., profile table. Including the teaching allowing any user to selected group of list of manage device for receiving event notification based upon event

information. Since Stupek also use Java for handling multi-platform in conjunction with SNMP, which is also being used by the claims invention. Examiner, therefore, contents that it would be obvious to one of ordinary skill in the art to expand the used of Stupek by merely modifying roll of user in Stupek to act as a well-know administrator for sending alarm to all selected users rather than Managed device.

Appellant respectfully submits that Stupek fails to teach or suggest a list of users, as previously argued in Appellant's Brief. Furthermore, one of ordinary skill in the art would not be led to modify a list of manageable devices to act as a list of users. Appellant respectfully disagrees that such a modification would have been obvious and directs the Board's attention to the language of originally filed claim 1. Specifically, claim 1 recites a profile table containing profiles of each one of a plurality of users and processing and transmitting means enabling an administrator associated with said server to transmit alarm messages to a list of users wherein the users have been selected from the profile table. Thus, the profile table contains profiles for a plurality of users and alarm messages are sent to users selected from the plurality of users within the profile table. These selected users constitute the list of users to which the alarm messages are transmitted. Thus, claim 1 itself supports the position that the list of users is selected from a plurality of users represented in the profile table and one of ordinary skill in the art would not be inclined to modify Stupek to include such features.

Thus, in view of the above and the remarks filed in the Appellant's Brief, Appellant submits that since the Stupek reference does not teach or fairly suggest each and every feature of independent claims 1, 8, and 15 and there is no motivation in the prior art to modify the Stupek reference, the applied art does not render the claims obvious. At least by virtue of their dependency on claims 1, 8, and 15, Stupek does not teach or suggest each and every feature of dependent claims 2-7, 9-14, and 16-24. Accordingly, Appellant respectfully requests withdrawal of the rejection of claims 1-21 under 35 U.S.C. § 103(a).



**V. 35 U.S.C. § 103, Alleged Obviousness of claims 2-5, 7, 9-12, 14, 16-19, and 21****VA. Group III, claims 4, 11, and 18**

With regard to claims 4, 11, and 18, the Examiner's Answer directs the Board of Appeals to Stupek column 14, lines 14-21 and 29-33 as teaching that an alarm message is automatically sent at the occurrence of a condition or event. As noted above with regard to claims 1, 8, and 15, Stupek fails to teach or suggest transmitting alarm messages to the list of users wherein said users have been selected from said profile table. Thus, Stupek does not teach or suggest a message being sent from a server automatically to the list of users, in other words, without a request from the administrator. The user of the Stupek system is required to request the information that is to be viewed at the client. Further, with regard to the discussion above, Drala is not concerned at all with the transmission of alarm messages to a list of users. Rather, Drala is focused on a more amenable system for modifying and changing components.

**VB. Group II, claims 3, 10, and 17**

With regard to claims 3, 10, and 17, the Examiner's Answer states:

Examiner content that manually generating alarm is an old process, which is facilitated by an automate event notification. Thus claiming manually generating and sending alarm is clearly back step and unpatentable.

Appellant respectfully submits that claims 3, 10, and 17 are dependent on claims 1, 8, and 15 and thus are patentable at least for the reasons stated previously with respect to claims 1, 8, and 15 and the reason stated in Appellant's Brief.

Thus, in addition to their dependency on claims 1, 8 and 15, claims 3, 4, 10, 11, 17, and 18 are also allowable over the alleged combination of Stupek and Drala by virtue of the specific features recited in these claims.

**VI. 35 U.S.C. § 103, Alleged Obviousness of claims 6, 13, and 20, Group V**

With regard to claims 6, 13, and 20, Appellants respectfully submit that the arguments presented in Appellant's Brief clearly provide support of Appellant's claimed invention over the prior art of record.

**VIII. 35 U.S.C. § 102, Alleged Anticipation of Claims 1, 8, 15, and 22-24**

With regard to claims 22-24, the Examiner's Answer merely clarifies and amends the rejection of claims 22-24 to include claims 1, 8, and 15. Thus, the rejection is now of claims 1, 8, 15, and 22-24 under 35 U.S.C. § 102(e) as being allegedly anticipated by Raffel et al. (U.S. Publication No. 20020082892). This rejection is respectfully traversed.

Appellant respectfully submits that the deficiencies of Raffel are clearly presented in Appellants Brief. While the Examiner has modified the rejection, Raffel still does not teach an administrator associated with a server sending alarm messages to a list of users, selected from a plurality of users within a profile table. Raffel is concerned, in part, with notifying users when information in the system corresponding to accounts or deals is updated. While Raffel may teach sending a notification to a user, there is nothing in Raffel that teaches that an administrator associated with a server sends an alarm message to a list of users, selected from a plurality of users, within a profile table. To the contrary, the administrator in Raffel configures the system to automatically send out notifications.

Thus, once the administrator selects which events will trigger a notification, the system automatically sends the notifications to the users. Claims 1, 8, and 15 of the present invention recite that the administrator sends the alarm to a list of users, selected from the plurality of users within the profile table. This is a manual process performed by an administrator and not an automatic process such as that taught in Raffel. Therefore, the rejection of claims 1, 8, 15, and 22-24 under 35 U.S.C. § 102(e) is overcome.

**IX. 35 U.S.C. § 102, Alleged Anticipation of Claims 22-24**

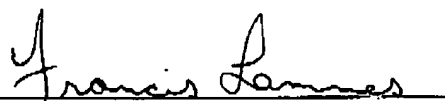
With regard to claims 22-24, the Examiner's Answer merely clarifies and amends the rejection of claims 22-24 to include claims 1, 8, and 15. Thus, the rejection is now of claims 1, 8, 15, and 22-24 under 35 U.S.C. § 102(e) as being allegedly anticipated by Ruckdashel et al. (U.S. Patent Mo. 6,038,542). This rejection is respectfully traversed.

Appellant respectfully submits that the deficiencies of Ruckdashel are clearly presented in Appellants Brief. While the Examiner has modified the rejection, Ruckdashel does not teach or suggest an administrator associated with a server sending alarm messages to a list of users, selected from a plurality of users within a profile table. Ruckdashel is directed to a system for notifying an individual of a scheduled event. A server retrieves a user's schedule information and analyzes the information. Events within a specified time frame are queued and a notification server is activated at the time that the queued event is to occur. The user is then notified of the event.

Thus, the process of notifying the user, taught by Ruckdashel, is automated. The administrator's main task in Ruckdashel is to maintain the database of users by adding and deleting users. The actual notification is performed by notification software. Thus, Ruckdashel does not teach an administrator associated with a server sending alarm messages to a list of users, selected from a plurality of users, within a profile table. Therefore, the rejection of claims 1, 8, 15, and 22-24 under 35 U.S.C. § 102(e) is overcome.

**CONCLUSION**

In view of the above, Appellants respectfully submit that claims 1-24 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellant respectfully requests the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.



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